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In the Supreme Court

of the United States.

No. [redacted] Original, October Term, 1928. 176

THE STATE OF COLORADO, *Complainant*,

vs.

THE STATE OF KANSAS and THE FINNEY COUNTY WATER USERS' ASSOCIATION, a Corporation, *Defendants.*

MOTION OF DEFENDANTS FOR ADDITIONAL PARTIES, ETC.

WILLIAM A. SMITH,
Attorney-general of the State of Kansas,
JOHN G. EGAN,
Assistant Attorney-general of the State of Kansas,
CHESTER I. LONG,
Solicitors for the State of Kansas.

F. DUMONT SMITH,
LAWRENCE LEWIS,
CHESTER I. LONG,
Solicitors for the Finney County Water Users' Association.

In the Supreme Court

of the United States.

No. 14 Original, October Term, 1928.

THE STATE OF COLORADO, *Complainant*,

vs.

THE STATE OF KANSAS and THE FINNEY COUNTY WATER USERS' ASSOCIATION, a Corporation. *Defendants.*

MOTION OF DEFENDANTS FOR ADDITIONAL PARTIES, ETC.

Now come the state of Kansas and The Finney County Water Users' Association, defendants in the above-entitled case, and by leave of court file this their motion, and show the court that in the twenty-second paragraph of the answer of the state of Kansas, and at pages 41 to 44, inclusive, thereof, where it makes allegations for affirmative relief, it sets out a list of residents and citizens of Colorado who have been made defendants in the two suits by the Finney County Water Users' Association, as complainant, pending in the district court of the United States for the district of Colorado, being 166 parties in all; and that it alleges in substance in its answer, at pages 44 to 46 thereof, that said parties have taken water, for the purpose of irrigation of land, from the Arkansas river, or its tributaries, in Colorado to the wrongful injury and damage of the defendant, the Finney County Water Users' Association, and also to the wrongful injury and damage of other parties, residents and citizens of Kansas and to owners and occupants of land in the Arkansas Valley in Kansas; and it alleges in said answer that said

residents or citizens of Colorado threaten to, and will unless enjoined, increase their taking of water from the Arkansas river and its tributaries in Colorado for irrigation of lands in that state; and it prays in its answer that said parties be required to file a written statement herein as hereinafter indicated, or be made parties hereto.

Wherefore, the state of Kansas moves the court that each of the said residents or citizens of Colorado described as aforesaid be required by order of this court, in the alternative, either to file a written statement in this case to the effect that the state of Colorado represents each of them respectively in all of the issues of this case, the same as if they were parties herein, and that they will be bound by any orders or decrees of this court the same as if they were parties herein, or else that the said parties be made parties defendant to this suit, and in such contingency that this court issue subpœnas, or proper process, to each of said parties summoning them to appear herein and present their answers, if any, to the claims for affirmative relief of the state of Kansas, as set forth in its answer.

WILLIAM A. SMITH,
Attorney-general of the State of Kansas,

JOHN G. EGAN,
Assistant Attorney-general of the State of Kansas,

CHESTER I. LONG,
Solicitors for the State of Kansas.

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Solicitors for the Finney County Water Users' Association.

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